

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROBERT LEE HOOD,)
)
)
Plaintiff,) 1:17CV308
)
)
v.)
)
JACK CLELLAND,)
)
)
Defendant.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on April 7, 2017, was served on the parties in this action. Plaintiff filed Objections to the Magistrate Judge's Recommendation. [Docs. # 6, 7].

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.¹

¹ Plaintiff included with his Objections a properly executed affidavit to proceed *in forma pauperis* [Doc. # 6 at 6-8], but that affidavit corrects only one of the defects noted in the Magistrate Judge's Recommendation (see Doc. # 4 at 1 (explaining that this action should be dismissed because "[t]he Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission," and that "[p]ursuant to the Prison Litigation Reform Act, Plaintiff may no longer proceed *in forma pauperis* in this Court unless he is under imminent danger of serious physical injury")).

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects noted in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 2nd day of June, 2017.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge